

A RESOLUTION

02- ~~R~~-1000

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

**A RESOLUTION AUTHORIZING PAYMENT IN THE  
AMOUNT OF \$58,371.36 IN SETTLEMENT OF THE CLAIM  
OF RICHARD P. CLARK AGAINST THE CITY OF ATLANTA**

**WHEREAS, Richard P. Clark** has filed a claim against the City of Atlanta seeking damages arising out of several occurrences of sewer back ups into the claimant's property located at 3077 West Andrews Drive, NW; and

**WHEREAS, the property owned by Richard P. Clark** has been damaged due to several occurrences of sewer back ups between March 6, 2000 and May 3, 2000; and

**WHEREAS, the City of Atlanta** was on notice of said nuisance and yet the City failed to abate said nuisance; and

**WHEREAS, inasmuch as the facts disclosed indicate said claim is not based on a claim of negligence, but is a nuisance which is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and**

**WHEREAS, the claimant has asserted damages in the amount of \$75,681.17 and has agreed to accept the sum of \$58,371.36 in full and complete satisfaction and settlement of his claim against the City of Atlanta; and**

**WHEREAS, the City Attorney has recommended that the claim of Richard P. Clark be settled for the sum of \$58,371.36.**

**THEREFORE, BE IT RESOLVED** that the Council of the City of Atlanta, Georgia that \$58,371.36 be paid by the City of Atlanta in satisfaction of any and all claims **Richard P. Clark** owner of property located at 3077 West Andrews Drive, NW may have stemming from damages sustained to his property between March 6, 2000 and March 21, 2000.

**BE IT FURTHER RESOLVED** that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 2J01/529017/T31001.

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